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8
9 IN THE UNITED STATES DISTRICT COURT

10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

CASE NO. 1:20-CR-00241-DAD-BAM

13 STIPULATION TO CONTINUE TRIAL; ORDER

14 v.

DATE: January 30, 2024

15 ANGEL LOPEZ, AND
ROCHLEM ERIC AQUINO YADAO

TIME: 8:30 a.m.

16 Defendants.

COURT:

17
18 STIPULATION

19 Plaintiff United States of America, by and through its counsel of record, and defendants, by and
20 through defendants' counsel of record, hereby stipulate as follows:

21 1. A jury trial was previously set for this matter for January 30, 2024.

22 2. By this stipulation, the government and defendants now move to continue the jury trial
until March 26, 2024, and to exclude time between January 30, 2024, and March 26, 2024, under Local
23 Code T4.

24 3. The parties further request that the matter be set for a trial confirmation hearing on
February 26, 2024.

25 4. By this stipulation, the parties now move to continue the jury trial until March 26, 2024,
and to exclude time between January 30, 2024, and March 26, 2024, under 18 U.S.C. § 3161(h)(7)(A),

1 B(iv) [Local Code T4].

2 5. The parties agree and stipulate, and request that the Court find the following:

3 a) The government has represented that the discovery associated with this case
4 includes reports, photographs, and audio files. All of this discovery has been either produced
5 directly to counsel and/or made available for inspection and copying. Additionally, a plea
6 agreement has been provided or will be provided to defendants.

7 b) Counsel for defendant desires additional time to further review discovery, discuss
8 potential resolution with her client and the government, and investigate and prepare for trial.

9 c) Counsel for defendant believes that failure to grant the above-requested
10 continuance would deny him/her the reasonable time necessary for effective preparation, taking
11 into account the exercise of due diligence.

12 d) The government does not object to the continuance.

13 e) Based on the above-stated findings, the ends of justice served by continuing the
14 case as requested outweigh the interest of the public and the defendant in a trial within the
15 original date prescribed by the Speedy Trial Act.

16 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
17 et seq., within which trial must commence, the time period of January 30, 2024 to March 26,
18 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
19 T4] because it results from a continuance granted by the Court at the parties' request on the basis
20 of the Court's finding that the ends of justice served by taking such action outweigh the best
21 interest of the public and the defendants in a speedy trial.

22 g) The parties also agree that this continuance is necessary for several reasons,
23 including but not limited to, the need to permit time for the parties to exchange supplemental
24 discovery, engage in plea negotiations, and for the defense to continue its investigation and
25 preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

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6. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 30, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ STEPHANIE M. STOKMAN
STEPHANIE M. STOKMAN
Assistant United States Attorney

Dated: November 30, 2023

/s/ JAMES R. HOMOLA
JAMES R. HOMOLA
Counsel for Defendant
ANGEL LOPEZ

Dated: November 30, 2023

/s/ MELISSA BALOIAN
MELISSA BALOIAN
Counsel for Defendant
ROCHLEM ERIC AQUINO
YADAO

ORDER

For the reasons set forth above, the Court **GRANTS** the request to continue the trial to March 26, 2024¹ at 8:30 a.m. and deems time excluded because it results from a continuance granted by the Court at the parties' request, it allows the parties to exchange supplemental discovery and to engage in plea negotiations, and for the defense to continue its investigation and preparation. (18 U.S.C. § 3161(h)(7)(A), B(iv); 3161(h)(7)(B)(i) and (iv).

IT IS SO ORDERED.

Dated: **December 1, 2023**

Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE

¹ Counsel are advised that if the trial proceeds on this date, the Court will begin trial but if it does not conclude by March 26, 2024, due to the Court's other commitments, the Court will recess the trial and resume on April 18, 2024.